

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 159

By Senator Chapman

[Introduced January 14, 2026; referred
to the Committee on Military; and then to the
Committee on the Judiciary]

1 A BILL to amend and reenact §16B-17-9 of the Code of West Virginia, 1931, as amended, relating
2 to the Human Rights Act; and creating veteran status as a protected class.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. HUMAN RIGHTS COMMISSION.

§16B-17-9. Unlawful discriminatory practices.

1 It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational
2 qualification, or except where based upon applicable security regulations established by the
3 United States or the State of West Virginia or its agencies or political subdivisions:

4 (1) For any employer to discriminate against an individual with respect to compensation,
5 hire, tenure, terms, conditions, or privileges of employment if the individual is able and competent
6 to perform the services required even if such individual is blind or disabled: *Provided*, That it shall
7 not be an unlawful discriminatory practice for an employer to observe the provisions of any bona
8 fide pension, retirement, group or employee insurance or welfare benefit plan or system not
9 adopted as a subterfuge to evade the provisions of this subdivision: *Provided further*, That an
10 employer may grant preference in hiring to a military spouse or to a veteran or disabled veteran in
11 accordance with the provisions of §16B-17-9a of this code without violating the provisions of this
12 article. For purposes of this subdivision, "military spouse" means the husband or wife of a member
13 of the Armed Forces who, as determined by the United States Secretary of Defense, is performing
14 active duty pursuant to orders that authorize a permanent change of station move, if such husband
15 or wife relocates to the member's new permanent duty station.

16 (2) For any employer, employment agency, or labor organization, prior to the employment
17 or admission to membership, to: (A) Elicit any information or make or keep a record of or use any
18 form of application or application blank containing questions or entries concerning the race,
19 religion, color, national origin, ancestry, sex, veteran status, or age of any applicant for
20 employment or membership; (B) Print or publish or cause to be printed or published any notice or
21 advertisement relating to employment or membership indicating any preference, limitation,

22 specifications, or discrimination based upon race, religion, color, national origin, ancestry, sex,
23 veteran status, disability, or age; or (C) Deny or limit, through a quota system, employment or
24 membership because of race, religion, color, national origin, ancestry, sex, veteran status, age,
25 blindness, or disability;

26 (3) For any labor organization because of race, religion, color, national origin, ancestry,
27 sex, veteran status, age, blindness, or disability of any individual to deny full and equal
28 membership rights to any individual or otherwise to discriminate against such individual with
29 respect to hire, tenure, terms, conditions, or privileges of employment or any other matter, directly
30 or indirectly, related to employment;

31 (4) For an employer, labor organization, employment agency, or any joint labor-
32 management committee controlling apprentice training programs to:

33 (A) Select individuals for an apprentice training program registered with the State of West
34 Virginia on any basis other than their qualifications as determined by objective criteria which
35 permit review;

36 (B) Discriminate against any individual with respect to his or her right to be admitted to or
37 participate in a guidance program, an apprenticeship training program, on-the-job training
38 program, or other occupational training or retraining program;

39 (C) Discriminate against any individual in his or her pursuit of such programs or to
40 discriminate against such a person in the terms, conditions, or privileges of such programs;

41 (D) Print or circulate or cause to be printed or circulated any statement, advertisement or
42 publication, or to use any form of application for these programs or to make any inquiry in
43 connection with a program which expresses, directly or indirectly, discrimination or any intent to
44 discriminate unless based upon a bona fide occupational qualification;

45 (5) For any employment agency to fail or refuse to classify properly, refer for employment
46 or otherwise to discriminate against any individual because of his or her race, religion, color,
47 national origin, ancestry, sex, veteran status, age, blindness, or disability;

48 (6) For any person being the owner, lessee, proprietor, manager, superintendent, agent, or
49 employee of any place of public accommodations to:

50 (A) Refuse, withhold from, or deny to any individual because of his or her race, religion,
51 color, national origin, ancestry, sex, veteran status, age, blindness, or disability, either directly or
52 indirectly, any of the accommodations, advantages, facilities, privileges, or services of the place of
53 public accommodations;

54 (B) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or
55 printed communication, notice or advertisement to the effect that any of the accommodations,
56 advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or
57 denied to any individual on account of race, religion, color, national origin, ancestry, sex, veteran
58 status, age, blindness, or disability, or that the patronage or custom thereat of any individual,
59 belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex,
60 veteran status, or age, or who is blind or disabled, is unwelcome, objectionable, not acceptable,
61 undesired, or not solicited; or

62 (7) For any person, employer, employment agency, labor organization, owner, real estate
63 broker, real estate salesman, or financial institution to:

64 (A) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with
65 others to commit acts or activities of any nature, the purpose of which is to harass, degrade,
66 embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel, or coerce any
67 person to engage in any of the unlawful discriminatory practices defined in this section;

68 (B) Willfully obstruct or prevent any person from complying with the provisions of this
69 article, or to resist, prevent, impede, or interfere with the commission or any of its members or
70 representatives in the performance of a duty under this article; or

71 (C) Engage in any form of reprisal or otherwise discriminate against any person because
72 he or she has opposed any practices or acts forbidden under this article or because he or she has
73 filed a complaint, testified, or assisted in any proceeding under this article.

NOTE: The purpose of this bill is to add veteran status as a protected class under the Human Rights Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.